

Item SPR05-43 Response Form

Title: Probate: *Notice of Petition to Administer Estate* and Probate Citations (revise forms DE-121, DE-122, and GC-320, and approve new form DE-121(MA))

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **only if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 p.m., Monday, June 20, 2005

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council, the Rules and Projects Committee, or the Policy Coordination and Liaison Committee.
All comments will become part of the public record of the council's action..*

Invitation to Comment (SPR05-43)

Title	Probate: <i>Notice of Petition to Administer Estate</i> and Probate Citations (revise forms DE-121, DE-122, and GC-320, and approve new form DE-121(MA))
Summary	Forms DE-121, DE-122, and GC-320 would be revised to add a notice to hearing-impaired persons of their right of access to accommodations for court hearings. A new form, DE-121(MA), would be approved as an attachment to form DE-121 for listing additional persons served with the latter form at the commencement of a decedent's estate proceeding.
Source	Probate and Mental Health Advisory Committee Hon. Don. Edward Green, Chair
Staff	Douglas C. Miller, Committee Counsel, 415-865-7535, douglas.miller@jud.ca.gov
Discussion	<p>Notice of Petition to Administer Estate (<i>form DE-121</i>)</p> <p>Form DE-121, (1) gives notice to persons interested in the estate¹ of a decedent that an estate proceeding has been started by the filing of a <i>Petition for Probate</i>; (2) advises such persons of the relief requested in the petition and of their right to object and the claim-filing requirement for creditors; and (3) gives notice of the date, time, and place of the hearing on the petition.</p> <p>Civil Code section 54.8(a) requires courts to provide an accommodation—an assistive listening system, computer-aided transcription captioning, or sign language interpreter services—for a hearing-impaired party, attorney, witness, or other participant in a court hearing, on request of that person at least five days before the hearing. Section 54.8(f) requires the Judicial Council to develop and approve official forms for notice to hearing-impaired persons of the availability of these systems.²</p> <p>The council has developed such a notice, to be placed on all of its forms that compel participation in court proceedings or attendance at court hearings or give notice of court proceedings or hearings in which</p>

¹ Generally, the decedent's heirs and beneficiaries, creditors, and contingent creditors.

² See also, rule 989.3, Cal. Rules of Court, and *Request for Accommodations by Persons With Disabilities and Order* (form MC-410) both adopted effective January 1, 1996.

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the persons notified may elect to participate. Form DE-121 is the latter type of form.

The first Judicial Council forms revised to add the council-approved notice to hearing-impaired persons became effective January 1, 2005.³ The first probate forms proposed to be revised to add this notice are the notices of hearing commonly used in decedents' estates and other probate- and trust-related proceedings and in guardianships and conservatorships.⁴ The notices of hearing have circulated for public comment in the Winter 2005 comment cycle, for action by the Judicial Council effective July 1, 2005.


The notice under Civil Code section 54.8 consists of text and the international symbol for the hearing-impaired, surrounded by a text box.⁵ The notice would be placed at the bottom of page 2 of the revised form DE-121.⁶

Another change in form DE-121 proposed by the advisory committee is the addition of line borders around the spaces for the names and addresses of persons to whom the form is to be mailed. This change is consistent with a revised format for proof of service forms in civil actions generally, adopted effective January 1, 2005.⁷ The new format is intended to make the forms easier to complete by self-represented

³ Civil harassment proceeding forms CH-120, CH-125, CH-150, and CH-151; Judicial Council of Cal. mins. (Oct. 15, 2004, agenda item A9).

⁴ *Notice of Hearing (Probate)* (form DE-120), and *Notice of Hearing—Guardianship or Conservatorship*, (form GC-020).

⁵ The text reads: "Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Order* (form MC-410). (Civil Code section 54.8.)"

The symbol is: 

⁶ The advisory committee would have preferred to place this notice on the first page of the form, but the first page is crowded with essential information about the probate proceeding. There would be no room for the hearing-impaired notice on the first page of the form unless part of that information, including the name, address, and telephone number of the petitioner or petitioner's attorney, were moved to the second page.

⁷ See civil proof of service forms POS-020(D) and (P), POS-030(D) and (P), and POS-040(D) and (P), approved effective January 1, 2005.

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persons, particularly on computers, and to make forms prepared by such persons more readable and easier to use by the courts and other parties.

Attachment to Notice of Petition to Administer Estate Proof of Service by Mail (*form DE-121(MA)*)

This proposed new attachment to form DE-121 would be used when there are more persons to be served with a copy of the form than can be listed on the proof of service by mail on the second page. It is in the same format as the proof of service contained in revised form DE-121 and new proof-of-service attachments to the probate notices of hearing, approved by the Judicial Council effective July 1, 2005.⁸

Like those forms and the civil proof of service forms listed in footnote 7, this new form would be an optional form.

Probate Citations (forms DE-122 and GC-320)

A citation in a probate proceeding compels personal appearance at a hearing. It may also direct the person cited to show cause why specified relief should not be granted. A citation must be served like a summons.⁹

There are two Judicial Council probate citations forms. Form DE-122 is for general use in a decedent's estate to compel a person to appear and show cause at any hearing. Form GC-320 is a specialized form, designed only for use in a conservatorship to compel the proposed conservatee's attendance at the hearing on the petition for appointment of a conservator to show any legal reason why the petition should not be granted.

These forms would be revised by adding the notice to hearing-impaired persons to the first page of both forms. The proofs of service on the second page of both forms would also be revised by deletion of item 3d, "by causing copies to be mailed." Either citation may be served by mail only when mailed out of state or when served with a *Notice and Acknowledgment of Receipt* (form POS-015), covered in item 3c on both forms.¹⁰ Service of a citation by mail in the usual way

⁸ Proposed new forms DE-120(MA)/GC-020(MA) and DE-120(PA)/GC-020(PA) are attachments to proofs of service by mail and by personal delivery of the probate notices of hearing (forms DE-120, and GC-020).

⁹ Probate Code sections 1242, 1824.

¹⁰ See Probate Code sections 1242 (form DE-122) and 1824 (form GC-320).

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under Code of Civil Procedure section 1013 or Probate Code sections 1215 and 1230 is not authorized.

The name of form DE-122 would be changed from *Citation (Probate) and Proof of Service* to *Citation—Probate*, and the full form group and subgroup names added below the name of the form at the bottom of each page. The name of form GC-320 would be similarly changed, from *Citation for Conservatorship and Proof of Service* to *Citation for Conservatorship*. Many forms contain proofs of service. Few, if any, identify the proof of service as part of the name of the form.

The admonition at the bottom of page 1 of form DE-122 that the form is not to be used for guardianships and conservatorships would be augmented by advice to use form GC-320 in a conservatorship.

Copies of the forms are attached at the pages indicated:

1. Revised form DE-121, at pages 5–6;
2. New form DE-121(MA), at page 7;
3. Revised form DE-122, at pages 8–9;
4. Revised form GC-320, at pages 10–11;
5. Existing form DE-121, at pages 12–13;
6. Existing form DE-122, at pages 14–15; and
7. Existing form GC-320, at pages 16–17.

Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY <h1 style="text-align: center;">Draft 3</h1> <h1 style="text-align: center;">03/28/05</h1> <p style="text-align: center;">Not Approved by the Judicial Council</p>
TELEPHONE NO.:	FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
ESTATE OF (Name):		
DECEDENT		
NOTICE OF PETITION TO ADMINISTER ESTATE OF (Name):		CASE NUMBER:

1. To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of (specify all names by which the decedent was known):

2. A *PETITION FOR PROBATE* has been filed by (name of petitioner):
in the Superior Court of California, County of (specify):
3. THE *PETITION FOR PROBATE* requests that (name):
be appointed as personal representative to administer the estate of the decedent.
4. ☐ THE *PETITION* requests the decedent's will and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.
5. ☐ THE *PETITION* requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.
6. A HEARING on the petition will be held on

a. Date:	Time:	Dept.:	Room:
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 b. Address of court: ☐ same as noted above ☐ other (specify):
7. IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.
8. IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within four months from the date of first issuance of letters as provided in Probate Code section 9100. The time for filing claims will not expire before four months from the hearing date noticed above.
9. YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a *Request for Special Notice* (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A *Request for Special Notice* form is available from the court clerk.
10. ☐ Petitioner ☐ Attorney for petitioner (name):
 (Address):

 (Telephone):

(SIGNATURE OF ☐ PETITIONER ☐ ATTORNEY FOR PETITIONER)

NOTE: If this notice is published, print the caption, beginning with the words NOTICE OF PETITION, and do not print the information from the form above the caption. The caption and decedent's name must be printed in at least 8-point type and the text in at least 7-point type. Print the case number as part of the caption. Print items preceded by a box only if the box is checked. Do not print the italicized instructions in parentheses, the paragraph numbers, the mailing information, or the material on page 2.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>):	TELEPHONE AND FAX NOS.:	FOR COURT USE ONLY
ATTORNEY FOR (<i>Name</i>): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
ESTATE OF (<i>Name</i>):		
DECEDENT		
NOTICE OF PETITION TO ADMINISTER ESTATE OF (<i>Name</i>):		CASE NUMBER:

- To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of (*specify all names by which decedent was known*):
- A *PETITION FOR PROBATE* has been filed by (*name of petitioner*):
in the Superior Court of California, County of (*specify*):
- THE *PETITION FOR PROBATE* requests that (*name*):
be appointed as personal representative to administer the estate of the decedent.
- ☐ THE *PETITION* requests the decedent's will and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.
- ☐ THE *PETITION* requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.
- A HEARING on the petition will be held on

a. Date:	Time:	Dept.:	Room:
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 b. Address of court: ☐ same as noted above ☐ other (*specify*):
- IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.
- IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within four months from the date of first issuance of letters as provided in Probate Code section 9100. The time for filing claims will not expire before four months from the hearing date noticed above.
- YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a *Request for Special Notice* (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A *Request for Special Notice* form is available from the court clerk.
- ☐ Petitioner ☐ Attorney for petitioner (*name*):
(*Address*):

(Telephone):


 (SIGNATURE OF ☐ PETITIONER ☐ ATTORNEY FOR PETITIONER)

NOTE: If this notice is published, print the caption, beginning with the words NOTICE OF PETITION, and do not print the information from the form above the caption. The caption and decedent's name must be printed in at least 8-point type and the text in at least 7-point type. Print the case number as part of the caption. Print items preceded by a box only if the box is checked. Do not print the *italicized* instructions in parentheses, the paragraph numbers, the mailing information, or the material on the reverse.

(Continued on reverse)

ESTATE OF (Name): _____	CASE NUMBER: _____
DECEDENT	

PROOF OF SERVICE BY MAIL

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (*specify*):

3. I served the foregoing *Notice of Petition to Administer Estate* on each person named below by enclosing a copy in an envelope addressed as shown below AND
 - a. ☐ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - b. ☐ **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. a. Date of deposit: _____ b. Place of deposit (*city and state*): _____

5. ☐ I served with the *Notice of Petition to Administer Estate* a copy of the petition and other documents referred to in the notice.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

..... (TYPE OR PRINT NAME)		_____ (SIGNATURE OF DECLARANT)
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NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

☐ List of names and addresses continued in attachment.

1. **TO (name):**
2. You are hereby cited and required to appear at a hearing in this court on
- | | | | |
|----------|-------|--------|------|
| a. Date: | Time: | Dept.: | Rm.: |
|----------|-------|--------|------|
- b. Address of court: ☐ same as noted above ☐ other (*specify*):
3. At this hearing you are required to give any legal reason why the relief requested in the verified petition attached to and served with this citation, and filed with this court, should not be granted.

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Order* (form MC-410). (Civil Code section 54.8.)



Date: _____ Clerk, by _____, Deputy

(SEAL)	NOTICE TO THE PERSON SERVED: You are served	
	a. <input type="checkbox"/>	as an individual.
	b. <input type="checkbox"/>	as the person cited under the fictitious name of <i>(specify)</i> :
	c. <input type="checkbox"/>	On behalf of <i>(specify)</i> :
	under <input type="checkbox"/>	Code Civ. Proc., § 416.10 (corporation)
	<input type="checkbox"/>	Code Civ. Proc., § 416.20 (defunct corporation)
	<input type="checkbox"/>	Code Civ. Proc., § 416.40 (association or partnership)
	<input type="checkbox"/>	Code Civ. Proc., § 416.60 (minor)
	<input type="checkbox"/>	Code Civ. Proc., § 416.90 (individual)
	<input type="checkbox"/>	other <i>(specify)</i> :
	d.	by personal delivery on <i>(date)</i> :

* Do NOT use for guardianships and conservatorships. Use form GC-320 for conservatorships.

ESTATE OF (Name): <div style="text-align: right;">DECEDENT</div>	CASE NUMBER:
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PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action, and **I served copies** of the following documents:
(specify):

2. a. Party served (specify name of party as shown on the documents served):

b. Person served: ☐ party in item 2a ☐ other (specify name and title or relationship to the party named in item 2a):

c. Address (specify):

3. I served the party named in item 2

a. ☐ **by personally delivering** the copies (1) on (date): (2) at (time):

b. ☐ **by leaving** the copies with or in the presence of (name and title or relationship to person indicated in item 2b):

(1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person served. I informed him or her of the general nature of the papers.

(2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the person served. I informed him or her of the general nature of the papers.

(3) on (date): (4) at (time):

(5) ☐ A **declaration of diligence** is attached. (Substituted service on natural person, minor, conservatee, or political candidate.)

c. ☐ **by mailing** the copies to the person served, addressed as shown in item 2c, by first-class mail, postage prepaid,

(1) on (date): (2) from (city):

(3) ☐ with two copies of the *Notice and Acknowledgment of Receipt—Civil* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt—Civil (form POS-015.)*)

(4) ☐ to an address outside California with return receipt requested. (Attach completed *return receipt*.)

d. ☐ **other** (specify other manner of service and authorizing code section):

4. The "Notice to the Person Served" (on the citation) was completed as follows:

a. ☐ as an individual defendant.

b. ☐ as the person sued under the fictitious name of (specify):

c. ☐ On behalf of (specify):

under ☐ Code Civ. Proc., § 416.10 (corporation)

☐ Code Civ. Proc., § 416.20 (defunct corporation)

☐ Code Civ. Proc., § 416.40 (association or partnership)

☐ Code Civ. Proc., § 416.60 (minor)

☐ Code Civ. Proc., § 416.90 (individual)

☐ other (specify):

5. a. Person serving (name, address, and telephone number):

d. ☐ Exempt from registration under Business and Professions Code, § 22350(b).

e. ☐ Registered California process server.

(1) ☐ Employee or independent contractor

(2) Registration no. (specify):

(3) County (specify):

(4) Expiration (date):

b. ☐ **Fee** for service: \$

c. ☐ Not a registered California process server.

6. ☐ I **declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

7. ☐ I **am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date:



(SIGNATURE OF PERSON SERVING)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>):		TELEPHONE AND FAX NOS.:	FOR COURT USE ONLY
ATTORNEY FOR (<i>Name</i>):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
ESTATE OF (<i>Name</i>):			
DECEDENT			
CITATION (PROBATE) * AND PROOF OF SERVICE			CASE NUMBER:

1. **TO** (*name*):
2. You are hereby cited and required to appear at a hearing in this court on

a. Date:	Time:	Dept.:	Room:
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 b. Address of court: ☐ same as noted above ☐ other (*specify*):
3. At this hearing you are required to give any legal reason why, according to the verified petition attached to this citation and filed with this court (*specify*):

Date: _____ Clerk, by _____, Deputy

(SEAL)	NOTICE TO THE PERSON SERVED: You are served	
	a. <input type="checkbox"/> as an individual.	
	b. <input type="checkbox"/> as the person cited under the fictitious name of (<i>specify</i>):	
	c. <input type="checkbox"/> On behalf of (<i>specify</i>):	
	under <input type="checkbox"/> Code Civ. Proc., § 416.10 (corporation) <input type="checkbox"/> Code Civ. Proc., § 416.60 (minor) <input type="checkbox"/> Code Civ. Proc., § 416.20 (defunct corporation) <input type="checkbox"/> Code Civ. Proc., § 416.90 (individual) <input type="checkbox"/> Code Civ. Proc., § 416.40 (association or partnership) <input type="checkbox"/> other (<i>specify</i>):	
d. by personal delivery on (<i>date</i>):		
(Proof of Service on reverse)		

*** Do NOT use for guardianships or conservatorships.**

CITATION (PROBATE) AND PROOF OF SERVICE

ESTATE OF (Name): <div style="border-bottom: 1px solid black; height: 1.2em; width: 90%; margin-top: 5px;"></div>	CASE NUMBER: <div style="border-bottom: 1px solid black; height: 1.2em; width: 90%; margin-top: 5px;"></div>
DECEDENT	

PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action, and I **served copies** of the *(specify documents)*:

2. a. Party served *(specify name of party as shown on the documents served)*:
 b. Person served: ☐ party in item 2a ☐ other *(specify name and title or relationship to the party named in item 2a)*:

 c. Address *(specify)*:

3. I served the party named in item 2
 - a. ☐ **by personally delivering** the copies (1) on *(date)*: (2) at *(time)*:
 - b. ☐ **by leaving** the copies with or in the presence of *(name and title or relationship to person indicated in item 2b)*:
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the person served. I informed him or her of the general nature of the papers.
 - (3) on *(date)*: (4) at *(time)*:
 - (5) ☐ A **declaration of diligence** is attached. *(Substituted service on natural person, minor, conservatee, or candidate.)*
 - c. ☐ **by mailing** the copies to the person served, addressed as shown in item 2c, by first-class mail, postage prepaid,
 - (1) on *(date)*: (2) from *(city)*:
 - (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. *(Attach completed form.)*
 - (4) ☐ to an address outside California with return receipt requested. *(Attach completed form.)*
 - d. ☐ **by causing copies to be mailed.** A declaration of mailing is attached.
 - e. ☐ **other** *(specify other manner of service and authorizing code section)*:

4. The "Notice to the Person Served" (on the Citation) was completed as follows:
 - a. ☐ as an individual defendant.
 - b. ☐ as the person sued under the fictitious name of *(specify)*:
 - c. ☐ on behalf of *(specify)*:
 under ☐ Code Civ. Proc., § 416.10 (corporation) ☐ Code Civ. Proc., § 416.60 (minor)
 ☐ Code Civ. Proc., § 416.20 (defunct corporation) ☐ Code Civ. Proc., § 416.90 (individual)
 ☐ Code Civ. Proc., § 416.40 (association or partnership) ☐ other *(specify)*:

5. a. **Person serving** *(name, address, and telephone number)*: b. **Fee** for service: \$
 c. ☐ Not a registered California process server.
 d. ☐ Exempt from registration under Business & Professions Code, § 22350(b).
 e. ☐ Registered California process server.
 (1) ☐ Employee or independent contractor
 (2) Registration No. *(specify)*:
 (3) County *(specify)*:
 (4) Expiration *(date)*:

6. ☐ I **declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
7. ☐ I **am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date:



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <h1 style="text-align: center;">DRAFT 4</h1> <h2 style="text-align: center;">03/28/05</h2> <h3 style="text-align: center;">Not Approved by the Judicial Council</h3>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____ <div style="text-align: right;">PROPOSED CONSERVATEE</div>	
<div style="text-align: center;">CITATION FOR CONSERVATORSHIP</div> <input type="checkbox"/> Limited Conservatorship	
CASE NUMBER: _____	

THE PEOPLE OF THE STATE OF CALIFORNIA,

To (name):

1. You are hereby cited and required to appear at a hearing in this court

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room:
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- b. Address of court ☐ same as noted above ☐ is:

and to give any legal reason why, according to the verified petition filed with this court, you should not be found to be

☐ unable to provide for your personal needs ☐ unable to manage your financial resources and by reason thereof,
 why the following person should not be appointed ☐ conservator ☐ limited conservator of your ☐ person
☐ estate (name):

2. A conservatorship of the person may be created for a person who is unable properly to provide for his or her personal needs for physical health, food, clothing, or shelter. A conservatorship of the property (estate) may be created for a person who is unable to resist fraud or undue influence, or who is substantially unable to manage his or her own financial resources.
 "Substantial inability" may not be proved solely by isolated incidents of negligence or improvidence.
3. At the hearing a conservator may be appointed for your ☐ person ☐ estate. The appointment may affect or transfer to the conservator your right to contract, to manage and control your property, to give informed consent for medical treatment, to fix your place of residence, and to marry. You may also be disqualified from voting if you are found to be incapable of completing an affidavit of voter registration. The judge or the court investigator will explain to you the nature, purpose, and effect of the proceedings and answer questions concerning the explanation.
4. You have the right to appear at the hearing and oppose the petition. You have the right to hire an attorney of your choice to represent you. The court will appoint an attorney to represent you if you are unable to retain one. You must pay the cost of that attorney if you are able. You have the right to a jury trial if you wish.
5. (For limited conservatorship only) In addition to the rights stated in item 4 above, you have the right to oppose the petition in part by objecting to any or all of the requested duties or powers of the limited conservator.

Date: _____ Clerk, by _____, Deputy

(SEAL)

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Order* (form MC-410). (Civil Code section 54.8.)



CONSERVATORSHIP OF (Name): <div style="border-top: 1px solid black; width: 100%; height: 10px; margin-top: 10px;"></div>	CASE NUMBER:
PROPOSED CONSERVATEE	

PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this proceeding. **I served copies** of the *Citation for Conservatorship* and *Petition for Appointment of Probate Conservator* (form GC-310) as follows:

2. a. Person cited (name):
- b. Person served: (1) ☐ person in item 2a
 (2) ☐ other (specify name and title or relationship to the person named in item 2a):

- c. Address (specify):

3. I served the person named in item 2
 - a. ☐ **by personally delivering** the copies (1) on (date): (2) at (time):
 - b. ☐ **by mailing** the copies to the person served, addressed as shown in item 2c, by first-class mail, postage prepaid,
 - (1) on (date): (2) from (city):
 - (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt—Civil* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt—Civil* (form POS-015).)
 - (4) ☐ to an address outside California with return receipt requested. (Attach completed return receipt.)
 - c. ☐ **other** (specify other manner of service, and authorizing code section and order of the court):

4. a. Person serving (name, address, and telephone number):

- b. ☐ Fee for service: \$
- c. ☐ Not a registered California process server.
- d. ☐ Exempt from registration under Business and Professions Code section 22350(b).
- e. ☐ Registered California process server.
 - (1) ☐ Employee or independent contractor.
 - (2) Registration no. (specify):
 - (3) County (specify):
 - (4) Expiration (date):

5. ☐ I **declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
6. ☐ I **am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date:



(SIGNATURE OF PERSON SERVING)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE AND FAX NOS.: ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY
CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): PROPOSED CONSERVATEE	
CITATION FOR CONSERVATORSHIP <input type="checkbox"/> Limited Conservatorship	CASE NUMBER:

THE PEOPLE OF THE STATE OF CALIFORNIA,

To (name):

1. You are hereby cited and required to appear at a hearing in this court

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room:
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- b. Address of court ☐ same as noted above ☐ is:

and to give any legal reason why, according to the verified petition filed with this court, you should not be found to be

☐ unable to provide for your personal needs
 ☐ unable to manage your financial resources
 and by reason thereof,
 why the following person should not be appointed
☐ conservator
☐ limited conservator
 of your ☐ person
☐ estate (name):

2. A conservatorship of the person may be created for a person who is unable properly to provide for his or her personal needs for physical health, food, clothing or shelter. A conservatorship of the property (estate) may be created for a person who is unable to resist fraud or undue influence, or who is substantially unable to manage his or her own financial resources. "Substantial inability" may not be proved solely by isolated incidents of negligence or improvidence.
3. At the hearing a conservator may be appointed for your ☐ person ☐ estate. The appointment may affect or transfer to the conservator your right to contract, to manage and control your property, to give informed consent for medical treatment, to fix your place of residence, and to marry. You may also be disqualified from voting if you are found to be incapable of completing an affidavit of voter registration. The judge or the court investigator will explain to you the nature, purpose, and effect of the proceedings and answer questions concerning the explanation.
4. You have the right to appear at the hearing and oppose the petition. You have the right to hire an attorney of your choice to represent you. The court will appoint an attorney to represent you if you are unable to retain one. You must pay the cost of that attorney if you are able. You have the right to a jury trial if you wish.
5. (For limited conservatorship only) You have the right to oppose the petition in part by objecting to any or all of the requested duties or powers of the limited conservator.

Date:

(SEAL)	Clerk, by _____, Deputy
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(Proof of service on reverse)

CONSERVATORSHIP OF (Name): <div style="text-align: right; padding-top: 10px;">PROPOSED CONSERVATEE</div>	CASE NUMBER:
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PROOF OF SERVICE
(Citation for Conservatorship)

1. At the time of service I was at least 18 years of age and not a party to this proceeding, and I **served copies** of the citation and petition as follows:
2. a. Person cited (name):
 b. Person served: ☐ person in item 2a ☐ other (specify name and title or relationship to the person named in item 2a):

 c. Address (specify):
3. I served the person named in item 2
 - a. ☐ **by personally delivering** the copies (1) on (date): (2) at (time):
 - b. ☐ **by leaving** the copies with or in the presence of (name and title or relationship to person indicated in item 2b):
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the person served. I informed him or her of the general nature of the papers.
 - (3) on (date): (4) at (time):
 - (5) ☐ A **declaration of diligence** is attached. (Substituted service on natural person, minor, conservatee, or candidate.)
 - c. ☐ **by mailing** the copies to the person served, addressed as shown in item 2c, by first-class mail, postage prepaid,
 - (1) on (date): (2) from (city):
 - (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed form.)
 - (4) ☐ to an address outside California with return receipt requested. (Attach completed form.)
 - d. ☐ **by causing copies to be mailed.** A declaration of mailing is attached.
 - e. ☐ **other** (specify other manner of service and authorizing code section):
4. a. **Person serving** (name, address, and telephone number):
 b. **Fee** for service: \$
 c. ☐ Not a registered California process server.
 d. ☐ Exempt from registration under Business & Professions Code section 22350(b).
 e. ☐ Registered California process server.
 - (1) ☐ Employee or independent contractor
 - (2) Registration No. (specify):
 - (3) County (specify):
 - (4) Expiration (date):
5. ☐ I **declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
6. ☐ I **am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date: _____



 (SIGNATURE)